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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9217/2017**

SHRI VIJAY RAJPUT & ORS Petitioners

Through: Ms. Radhika Arora, Adv.

versus

**THE COMMISSIONER, MUNICIPAL CORPORATION OF DELHI
& ORS** Respondents

Through: Mr. Rakesh Mittal, Standing Counsel
for NDMC with Mr. Kamlesh Anand
and Ms. Yamini Mittal, Advs. for R1
Ms. Monika Tripathy Pandey, Adv.
for R2

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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20.02.2018

Counter-affidavit has been filed by the NDMC in the Registry on February 19, 2018 has been requisitioned and kept on record. Paras 3 and 4 of the counter-affidavit read as under:

“3. That a Gym in the name and style of Body Boost Gym was being run at ground floor in Property No. 1777, Pratap Gali, Chuna Mandi, Paharganj, New Delhi without having a Mpl. Health Trade License. Therefore, the respondent vide No. DHO/KBZ/2017/2636 dt. 12.01.2018 issued a show cause notice to Sh. Raj Kumar to show cause as to why necessary action as per the provisions of DMC Act be not taken for running the Gym without having a Mpl. Health Trade License under insanitary and unhygienic conditions. It is submitted that prior to this, the Corporation had also taken prosecution action against the said appeal. It is submitted that in reply to the notice bearing No. DHO/KBZ/2017/2636 dt. 12.01.2018, Sh. Raj Kumar submitted

that he has paid the challan and also applied for Mpl. Health Trade License and requested for revocation of the said show cause notice.

4. That the application for Mpl. Health Trade License was rejected by the Corporation, hence the respondent vide No. DHO/KBZ/2017/2740 dt. 29.01.2018 issued a closure notice to Sh. Raj Kumar to close down the trade within 48 hours failing which the Corporation shall take further action without any further notice. It is submitted that in reply to the said closure notice, Shr. Raj Kumar submitted a reply on 30.01.2018 stating inter alia that he has close the Gym and handed over the possession to the landlord. It is submitted that an inspection of the Property No. 1777, Pratap Gali, Chuna Mandi, Paharganj, New Delhi was conducted on 09.02.2018 and it was found that the Gym at the said property has been closed”

A copy of the counter-affidavit has been given to the learned counsel for the petitioners, who on instructions states that the stand of the respondent No.1 in para 3 as noted above, satisfy the grievance of the petitioners. She does not press the writ petition any further.

The writ petition is dismissed as withdrawn.

V. KAMESWAR RAO, J

FEBRUARY 20, 2018/aky